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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,679	11/30/1999	TSUTOMU ANDO	35.C14073	8002

5514 7590 03/25/2004

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NEW YORK, NY 10112

EXAMINER

VU, KIEU D

ART UNIT	PAPER NUMBER
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2173

18

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/450,679

Applicant(s)

ANDO, TSUTOMU

Examiner

Kieu D Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-22 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This action is responsive to the RCE and the amendment filed 02/12/04.
2. Claims 1-22 are pending.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 11-15, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik et al ("Stefik", EP 0715246 A1) and Ciacelli et al ("Ciacelli", USP 6236727).

Regarding claims 1, 11, and 22, Stefik teaches steps for image processing comprising an identifying step of identifying object having copyright-protected information among objects (page 5, lines 15-19) and generating the scene for displaying, on the basis of an identification result of said identifying step, so that the constructed scene does not include the object identified in said identifying step (line 58 of page 2 to line 2 of page 3) until a predetermined authenticating process is finished (page 5, lines 57; page 6, lines 43-47) and displaying the constructed scene (page 3, lines 48-53). Stefik differs from the claim in that Stefik does not teach that the scene data also comprises data stream. However, such feature is known in the art as taught by Ciacelli. In the same field of handling copyright-protected information, Ciacelli teaches an apparatus for protecting digital video/audio data (col. 1, lines 7-13), the

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apparatus comprises the handling data stream embedded with copyright information (col. 2, lines 27-32). It would have been obvious to one of ordinary skill in the art, having the teaching of Stefik and Ciacelli before him at the time the invention was made, to modify the image processing system taught by Stefik to apply to data stream taught by Ciacelli with the motivation being to enable Stefik system to control the distribution and use of variety of data types.

Regarding claims 2 and 12, Stefik teaches the comprising a reproduction inhibiting step of inhibiting a reproduction of video/audio in the case where the object which is not included in the constructed scene is accompanied with video/audio data (inherent; page 4, lines 44-45; page 3, lines 1-2).

Regarding claims 3 and 13, Stefik teaches that in the case where the object which is not included in the constructed scene is accompanied with the video/audio data, synchronizing the display of the object with the reproduction of said video/audio when the object become included in the constructed scene (page 9, lines 54-57).

Regarding claims 4 and 14, Stefik teaches steps for image processing method comprising an identifying step of identifying object having copyright-protected information among objects (page 5, lines 15-19), classifying means for classifying the object identified by said identifying means in a first group and classifying the other objects in a second group (page 6, lines 34-37) and a display control means for generating the scene for displaying on the basis of the groups classified by said classifying means (page 6, lines 37) so that the constructed scene does not include the object having copyright-protected information (line 58 of page 2 to line 2 of page 3) that has not been authenticated (page 5, lines 57; page 6, lines 43-47) and displaying the

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constructed scene (page 3, lines 48-53). Stefik differs from the claim in that Stefik does not teach that the scene data also comprises data stream. However, such feature is known in the art as taught by Ciacelli. In the same field of handling copyright-protected information, Ciacelli teaches an apparatus for protecting digital video/audio data (col. 1, lines 7-13), the apparatus comprises the handling data stream embedded with copyright information (col. 2, lines 27-32). It would have been obvious to one of ordinary skill in the art, having the teaching of Stefik and Ciacelli before him at the time the invention was made, to modify the image processing system taught by Stefik to apply to data stream taught by Ciacelli with the motivation being to enable Stefik system to control the distribution and use of variety of data types.

Regarding claims 5 and 15, Stefik teaches that said classifying means further classifies the object identified by said identifying means and video/audio data associated with the object in the first group and classifies the other objects and video/audio data associated with said other objects in the second group (page 6, lines 34-37; page 4, lines 44-45).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-8, 16-18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik and Casalino et al ("Casalino", MPEG-4 Systems, concepts and implementation).

Regarding claims 6, 16, and 21, Stefik teaches an image processing apparatus comprising receiving means for receiving scene data describing a scene, media data associated with said scene data, and copyright-protected data (page 5, lines 15-19); separating means for separating all of the data received by said receiving means; access control means for controlling accesses to the scene data and the media data separated by said separating means on the basis of the copyright protected data separated by said separating means (page 6, lines 34-37); copyright management means for executing a predetermined authenticating process for the media data copyright-protected by the copyright-protected data (inherent); media decoding means for decoding the media data separated by said separating means and authenticated media data by the copyright management means; scene decoding means for forming copyright-protected scene data and copyright-unprotected scene data from the scene data separated by said separating means on the basis of the copyright-protected data separated by said separating means (inherent); and rendering means for rendering the scene on the basis of the media data decoded by said media decoding means and the copyright-protected scene data and the copyright-unprotected scene data formed by said scene decoding means (page 6, lines 34-37). Stefik does not teach that the object is a 3-dimensional object. However, such feature is known in the art as taught by Casalino et al ("Casalino", MPEG-4 Systems, concepts and implementation). Casalino

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teaches that the object is a 3-dimensional object (page 511, lines 1-4 of section 5.1.1). It would have been obvious to one of ordinary skill in the art, having the teaching of Stefik and Casalino before him at the time the invention was made, to modify the image processing steps taught by Stefik to include the 3-dimensional object taught by Casalino with the motivation being to enable the system to process 3-dimensional object.

Regarding claims 7 and 17, Stefik teaches that said copyright-protected scene data describes a scene which is rendered after authentication, and said copyright unprotected scene data describes a scene which is rendered irrespective of the authentication (inherent).

Regarding claims 8 and 18, Casalino teaches instructing means for giving an instruction for an access timing in said access control means in order to adjust a timing for the rendering by said rendering means (inherent).

7. Claims 9-10 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik and Casalino et al ("Casalino", MPEG-4 Systems, concepts and implementation), and Ciacelli.

Regarding claims 9 and 19, Stefik teaches an image processing apparatus comprising detecting means for detecting an object not to be displayed (access cannot be granted (line 57 of page 2 to line 2 of page 3; page 2, lines 47-52); identifying means for identifying an object designated by the copyright protection information detected by said detecting means (page 5, lines 15-19) so that the constructed scene does not include the object identified in said identifying step (line 58 of page 2 to line 2 of page 3) until a predetermined authenticating process is finished (page 5, lines 57; page 6, lines 43-47) and displaying the constructed scene (page 3, lines 48-53). Stefik does not teach

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that the object is a 3-dimensional object. However, such feature is known in the art as taught by Casalino et al ("Casalino", MPEG-4 Systems, concepts and implementation). Casalino teaches that the object is a 3-dimensional object (page 511, lines 1-4 of section 5.1.1). It would have been obvious to one of ordinary skill in the art, having the teaching of Stefik and Casalino before him at the time the invention was made, to modify the image processing steps taught by Stefik to include the 3-dimensional object taught by Casalino with the motivation being to enable the system to process 3-dimensional object. Stefik does not teach that the scene data also comprises data stream. However, such feature is known in the art as taught by Ciacelli. In the same field of handling copyright-protected information, Ciacelli teaches an apparatus for protecting digital video/audio data (col. 1, lines 7-13), the apparatus comprises the handling data stream embedded with copyright information (col. 2, lines 27-32). It would have been obvious to one of ordinary skill in the art, having the teaching of Stefik and Ciacelli before him at the time the invention was made, to modify the image processing system taught by Stefik to apply to data stream taught by Ciacelli with the motivation being to enable Stefik system to control the distribution and use of variety of data types.

Regarding claims 10 and 20, Casalino teaches that said language is a VRML (page 507, section 3.2).

8. Response to Applicant's argument filed 01/20/04 (entered 2/12/04).

Arguments on claims 1, 4, 9, 11, 14, 19, and 22 are now moot under new ground of rejection.

Regarding Applicant's argument on claims 6, 16, and 21, it is noted that Stefik and Casalino teaches the limitation of these claims as presented above. Argument "for

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reasons similar to those discussed above with respect to Claim 1, that document fails to disclose or suggest at least the above-mentioned features of Claim 6" is not persuasive. Claim 1, as amended, includes the data stream which is not taught by Stefik. However, this data stream feature is not cited in claims 6, 16, and 21.

Casalino teaching is used to teach three-dimensional objects. Casalino teaching is used to combine with Stefik teaching.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone number for the organization where this application or proceeding is assigned are as follows:

(703)-872-9306

and / or:

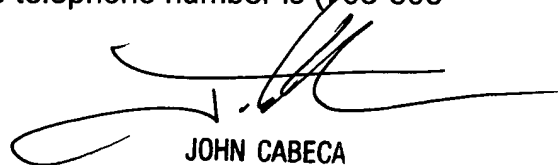
(703)-746-5639 (use this FAX #, only after approval by Examiner, for

"INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

03/19/04

  
JOHN CABECA  
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TECHNOLOGY CENTER 2100